



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dave Pratt, General Manager
Tri Central Coop
C/O Matt Read
Hodge Dwyer and Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776

Re: *In the Matter of: Tri Central Coop, Ashkum, Illinois*
Docket No. EPA 5-14-113(a)-IL-22

Dear Ms. Bedore:

I have enclosed a signed Administrative Consent Order (ACO) with Tri Central Coop under the Clean Air Act. Pursuant to Paragraph 46, the ACO is effective on the date of signature by the Director of the Air and Radiation Division.

If you have any questions on this matter, please do not hesitate to call Ms. Jennifer Wilson, P.E. of my staff, at (312)353-3115, or, with legal questions, Andre Daugavietis, Associate Regional Counsel, at (312)886-6663.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Regional Hearing Clerk, E-19J
Andre Daugavietis, C-14J
Jennifer Wilson, AE-17J
David Bloomberg, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-14-113(a)-IL-22
)	
Tri Central Coop)	Proceeding Under Sections 113(a)(1), (a)(3),
Ashkum, Illinois)	114(a)(1) of the Clean Air Act 42 U.S.C.
)	42 U.S.C. §§ 74113(a)(1),(a)(3) and 7414(a)(1)
)	
)	
)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Tri Central Coop under Sections 113(a)(1), (a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1), (a)(3) and 7414(a)(1).

2. This Order applies to the grain elevator facility located at 104 North Michigan Avenue, Ashkum, Illinois owned and operated by Tri Central Coop (Facility).

Statutory and Regulatory Background

3. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

4. On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203 as part of the federally enforceable State Implementation Plan (SIP) for the State of Illinois. 45 Fed. Reg. 11493. IPCB Rule 203 is codified, in part, at 35 Ill. Admin. Code §§ 212.461 and 212.462.

5. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] sets forth certain housekeeping practices (hereinafter "Housekeeping Practices") that all grain-handling and grain-drying operations must implement regardless of size. These include:

- A. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
- B. Cleaning and Maintenance.
 - 1. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
 - 2. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
 - 3. The yard and surrounding area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
- C. Dump pit.
 - 1. Aspiration equipment shall be maintained and operated.
 - 2. Dust control devices shall be maintained and operated.
- D. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
- E. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.
- F. Housekeeping Check List. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

6. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. This authority has been re-delegated to the Director of the Air and Radiation Division.

7. The Administrator of EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the

Act, 42 U.S.C. § 7414(a)(1). This authority has been re-delegated to the Director of the Air and Radiation Division.

8. The New Source Performance Standards (NSPS) for Grain Elevators is found at 40 C.F.R. Part 60, Subpart DD, 40 C.F.R. §§ 60.300 - 304 (Subpart DD).

9. 40 C.F.R. Part 60, Subpart DD applies to grain handling operations at grain terminal elevators at "affected facilities," or those that were constructed, modified, or reconstructed after August 3, 1978. 40 C.F.R. § 60.300.

10. Grain terminal elevators are grain elevators that have a permanent storage capacity of more than 2.5 million bushels. 40 C.F.R. § 63.301(c)

11. Permanent storage capacity is grain storage capacity which is inside a building, bin, or silo. 40 C.F.R. § 63.301(d)

12. 40 C.F.R. Part 60, Subpart DD requires affected facilities to perform specified performance tests to determine compliance with the particulate matter standards, opacity limits and other standards in 40 C.F.R. 60.302 within 180 days after startup. 40 C.F.R. § 60.303

Permit Background

13. On February 23, 2010, the Illinois Environmental Protection Agency (IEPA) issued Tri Central Coop a Lifetime General Operating Permit for Grain Elevator – NSPS Source #76010382 for a grain elevator with various pieces of equipment at the Facility.

14. Paragraph 5b. of permit #76010382 provides that, "The Permittee shall implement and perform the required housekeeping practices identified in 35 Ill. Adm. Code 212.461(b)(1) through (b)(5) and maintain a housekeeping check list for the grain elevator pursuant to 35 Ill. Adm. Code 212.461(b)(6)."

15. Paragraph 6c. ii. of permit #76010382 provides that, "The grain elevator shall be inspected for presence of visible emissions from internal transfer and cleaning, while such activity is occurring, at least once each week when such activity is performed."

16. Paragraph 6d.i. of permit #76010382 provides that, "Grain load-out shall be conducted with socks, sleeves or equivalent devices, extending to within at least 6 inches below the sides of the receiving vehicle except for topping off. Choke load-out may be performed as an equivalent method."

17. Paragraph 7a. of permit #76010382 provides that, "Within 180 days of initial startup of the permitted grain handling operations structures/equipment, the emissions of opacity shall be measured during conditions which are representative of maximum emissions as required by 40 CFR Part 60 Subparts A and DD."

18. Paragraph 8. of permit #76010382 provides that, "The authorization to operate the equipment described in this operating permit shall terminate if the testing required by 40 CFR Part 60 Subparts A and DD is not performed as required or if satisfactory testing results demonstrating compliance with the applicable standards and permit conditions are not achieved and submitted to the Illinois EPA as required."

19. Paragraph 11b. of permit #76010382 provides that, "The Permittee shall maintain monthly records of the following items for the source: ... v. PM emissions (tons/month, tons/year) with supporting calculations."

Findings

20. Tri Central Coop owns and operates a grain elevator at the Facility. The Facility is in Iroquois County; is located more than two miles beyond the boundaries of Kankakee,

Bradley and Bourbonnais; and thus is not located in a “major population area,” as defined in the Illinois SIP at Part 211 (M words) [35 Ill. Admin. Code § 211.3610].

21. The Facility has a total annual grain throughput of about 4.3 million bushels per year and processes soybeans and corn using trucks, dump pits, belt conveyors, cleaners, screeners, two dryers, railcar loading, truck loading, and storage bins, all of which have the potential to create particulate matter.

22. At all times relevant to this Order, the Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

23. On July 11, 2012, EPA personnel performed an inspection of the Facility and made observations including:

- A. Dump pit area: The dump pit sheds were open at both ends and did not utilize quick-closing doors, air curtains or wind deflectors;
- B. Loadout Areas: A sock, sleeve or equivalent device did not extend six inches below the side of a truck that was being loaded at the Facility. EPA observed visible emissions during the loading process.
- C. Housekeeping Checklist: the Facility's housekeeping checklist does not include checking air pollution controls or the internal transferring area daily;
- D. PM Records: The Facility did not have any PM emission records for 2012;
- E. Opacity Testing: The Facility did not have any records of opacity testing for NSPS Subpart DD; and
- F. Checks of Internal Transferring Area: The Facility provided copies of its housekeeping checklists from March, April, May, and June 2012. The checklists do not include checks of the internal transferring area.

24. During a phone call after the inspection, a representative of the Facility confirmed that the sleeves do not extend into the trucks when the trucks were being loaded at the Facility.

25. On November 13, 2012, EPA issued to Tri Central Coop a Notice and Finding of Violation (NOV/FOV) alleging violations of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin.

Code § 212.461(b)) and Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462], NSPS DD, and the Facility's air pollution operating permit. On May 28, 2013, representatives of Tri Central Coop and EPA discussed the November 13, 2012 NOV.

Compliance Program

26. As of the date of signature of this order and beyond, Tri Central Coop shall implement a compliance program at the Facility including the following steps.

27. The Facility includes a high efficiency cyclone and an induced draft system that produces a minimum face velocity at the grate surface of at least 200 fpm. The high efficiency cyclone is designed to operate with a particulate matter removal efficiency of not less than 90% by weight. The Facility shall continue to maintain and operate these devices and equipment.

28. As part of the operation of its existing devices and equipment, as a good operating practice to minimize particulate emissions, and as required by Condition 6(a)(i) of its operating permit, the Facility shall close at least one door on its dump pit shed when the induced draft system is at risk of being overcome by wind.

29. Tri Central Coop shall calculate and maintain PM emission records onsite at the Facility for viewing by IEPA or EPA as required by the Facility's permit.

30. The Facility shall use loadout socks or sleeves that extend six inches into trucks at all of its truck loadouts, as required by the Facility's operating permit. Tri Central Coop will also maintain the devices such that if they become tattered or torn they are timely replaced.

31. By signing this order, Tri Central Coop certifies that all of the conveyors at the Facility are completely enclosed.

32. By signing this order, Tri Central Coop certifies that the Facility has completed the NSPS testing of the conveyors that were added to the Facility after it became subject to NSPS Subpart DD.

33. Within 60 days from the effective date of this Order, unless otherwise noted, Tri Central Coop shall demonstrate compliance with the Illinois SIP at Rule 203(d)(9) [35 Ill. Admin. Code § 212.461(b)(1)] at the Facility during facility operation as follows:

- A. Check air pollution control devices daily and clean as necessary to insure proper operation.
- B. Floors shall be kept swept and cleaned from boot pit to cupola. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
- C. Clean the yard and surrounding open areas, including but not limited to ditches and curbs, to prevent the accumulation of rotting grain.
- D. Maintain and operate dust control devices at the dump pits.
- E. Handle cleaning at the Facility in such a manner as not to permit dust to escape to the atmosphere.
- F. When facilities are in operation, complete and maintain a housekeeping checklist on the premises for inspection by EPA or Illinois Environmental Protection Agency personnel. The housekeeping checklist shall include lines requiring:
 - 1. Daily inspection of air pollution control devices to ensure that they are functioning properly in accordance with the Illinois SIP at Rule 203(d)(9)(A)(i) [35 Ill. Admin. Code § 212.461(b)(1)];
 - 2. Weekly inspections of the sleeves on the loadouts while loadout is occurring; and
 - 3. Weekly inspections for visible emissions from the internal transferring area.

Periodic Reporting and Monitoring

34. For a year after the effective date of this Order, Tri Central Coop must submit a total of four electronic quarterly reports to EPA by the 15th day of February, May, August, and November that include completed housekeeping checklists and monthly PM records.

35. Tri Central Coop must submit all required or requested information under this Order under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

36. Tri Central Coop must send all electronic reports required by this Order to the following: wilson.jennifera@epa.gov, and r5airenforcement@epa.gov. Paper documents must be submitted to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

37. This Order does not affect Tri Central Coop's responsibility to comply with other federal, state and local laws.

38. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA.

39. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Tri Central Coop's violation of the Illinois SIP.

40. Failure to comply with this Order may subject Tri Central Coop to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

41. The terms of this Order are binding on Tri Central Coop, its assignees and successors. Tri Central Coop must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

42. Tri Central Coop may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Tri Central Coop fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

43. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish documents as an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples. Paper clips and binder clips are acceptable.

44. EPA may use information submitted under this Order in an administrative, civil judicial or criminal action.

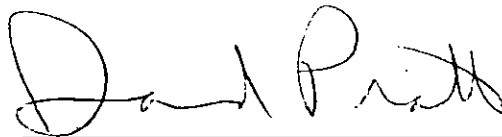
45. For purposes of this Order and enforcement of this Order, Tri Central Coop waives any right to judicial or administrative review of this Order and any jurisdictional defenses to EPA's enforcement of it. Tri Central Coop neither admits nor denies the Findings listed above, and agrees to be bound by the terms of this Order.

46. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Tri Central Coop has complied with all terms of the Order throughout its duration.

Tri-Central Coop – Administrative Compliance Order – Signatures

9-18-14

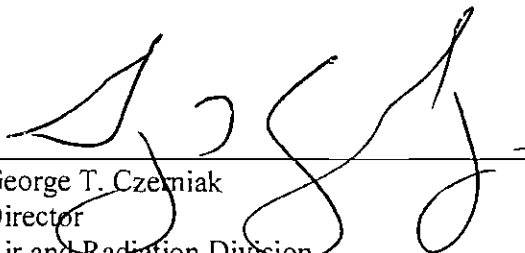
Date



David Pratt
General Manager
Tri Central Coop

9/29/14

Date



George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

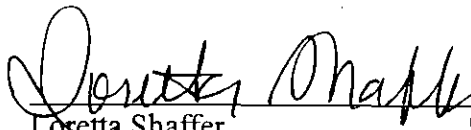
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-14-113(a)-IL-22, by certified mail, return receipt requested, to:

Technical Manager
TRI Central Coop
104 N. Michigan Avenue
Ashkum, Illinois 60911

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-14-113(a)-IL-22, by first-class mail to:

Eric Jones, Manager
Compliance Section, Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

On the 1 day of October 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7009 1680 0000 7672 9185